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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92040092
Party	Plaintiff KAPALUA LAND COMPANY, LTD.
Correspondence Address	W. MACK WEBNER SUGHRUE, MION, ZINN MACPEAK & SEAS PLLC 2100 PENNSYLVANIA AVE., NW WASHINGTON, DC 20037
Submission	Opposition/Response to Motion
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Date	02/10/2006
Attachments	Petitioner's Opposition To Respondent's Motion to Extend Time.pdf (2 pages)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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KAPALUA LAND CO., LTD.)	
)	
Petitioner)	
)	CANCELLATION
v.)	
)	
KAPALUA STRICKWAREN GmbH)	
)	
Respondent)	

**PETITIONER'S OPPOSITION TO RESPONDENT'S
MOTION TO EXTEND TIME**

Petitioner objects to the Respondent's Motion To Extend the time for Respondent to file its answer in this matter.

Respondent provides no plausible basis for the requested extension.

Respondent's counsel has been the counsel in this matter since its inception. A change of counsel was filed with the Trademark Trial and Appeal Board in 2005.

Both parties have served discovery in this matter.

Respondent has failed to respond to Petitioner's discovery requests. Respondent's failure to provide certain information is not within its control. However, Respondent's failure to provide **any** documents, including those documents that are responsive to the requests, that the Respondent cannot provide the requested information, Respondent's failure to responding is not a basis for extending the discovery period in this case. When the documents requested are available, Respondent should provide them to Petitioner just as it should do with any late discovery.

Respondent has had the proposed protective order since
has not yet signed or commented on it.

Both parties have had the same opportunity to discover
has timely responded to Respondent's discovery.


Respondent waited until the close of Discovery to respond
offers no reason for the delay.

Respondent asserts that more time is needed to complete
suggestion as to what remaining discovery is needed and give
previously undertaken it.

This case has been pending for 5 years, since 2001.
extending any dates and no reason to consolidate this case with
different proofs and, at this time, different parties.

Petitioner respectfully requests the Respondent's motion
and all other times be denied.

Respectfully,


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